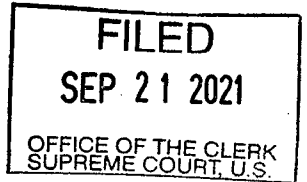


ORIGINAL

No. 21-5772



IN THE
SUPREME COURT OF THE UNITED STATES

CHARLES EASON — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CHARLES EASON

(Your Name)

#30343-076 FCI MEMPHIS, P.O. BOX 34550

(Address)

MEMPHIS, TN 38184-0550

(City, State, Zip Code)

N/A

(Phone Number)

Charles Eason Pro-Se
Counsel For Petitioner
#30343-076 FCI Memphis
P.O. BOX 34550
Memphis, TN 38184-0550

QUESTION(S) PRESENTED

I.

When the Appellate Court Interprets "Promotion" Of
A Chemical that "Could" be used to Manufacture as
a "Serious Drug" is Remand Required ?

II.

If a defendant's prior conviction was part of
One Continuance Crime Spree "Without" Intervening-
Arrest and further "Consolidated" for one sentencing
purpose, can a court construe the prior as Separate-
convictions based solely on the dates the offenses and
prior to any arrest being made or entry of a conviction
to deem the defendant an Armed Career Criminal If Not
is Remand for Resentencing required?

III.

If a State Statute is "Overly broad, overly inclusive," or
"indivisible" is it Unconstitutional to apply an enhancement
pursuant to the ACCA 18 U.S.C. §924(e)?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-6
REASONS FOR GRANTING THE WRIT	7-12
CONCLUSION.....	13

INDEX TO APPENDICES

APPENDIX A	OPINION OF THE SIXTH CIRCUIT COURT OF APPEALS
APPENDIX B	
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

ERNST V. UNITED STATES 293 F. SUPP 3d 1242,1250 (D. OR 2017).....	9
UNITED STATES V. EASON, 919 F. 3d 385,389-92 (2019).....	9
UNITED STATES V. NICHOLS, 979 F.2d 402, 413-14 (6th CIR. 1992).	10
MATHIS V. UNITED STATES, U.S. 136 S.CT. 2243	12
BEGAY V. UNITED STATES, 553 U.S. 137 (2008).....	8
TAYLOR V. UNITED STATES, 495 U.S. 575 (1990).....	12
MOSKAL V. UNITED STATES, 498 U.S. 103 (1990).....	8
LIPAROTA V. UNITED STATES, 471 U.S. 419,427 (1985).....	8,9
UNITED STATES V. BASS, 404 U.S. 336,348 (1997).....	12
MCBOTLE V. UNITED STATES, 283 U.S. 25, 51, S.CT. 340 (193).....	12
U.S. V. CARDIFF, 344 US 174 73 S.CT. 119 (1952).....	8,12

STATUTES AND RULES

18 U.S.C. §924(e)(2)(B)(A)(ii).....	5-15
18 U.S.C. §922 (g)(1).....	5
18 U.S.C. §1254 (1).....	2
USSG § 4B1.4 (b)(3)(B).....	11
RULE 12.....	ii
TENN CODE ANN. § 39-17-433.....	4,5,7,10,11,12

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was September 17, 2020.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the United States Constitution states;

No person shall be held to answer for a capital, or other wise infamous crime, unless on a presentment- of Indictment of a grandjury, except in cases arising in the land or Naval Forces, or in the Militia, when in actual service in time of war or public danger, nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness - against himself, nor be deprived of liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

STATEMENT OF THE CASE

Petitioner, Charles Eason, had appealed to the Sixth Circuit Court of Appeals after the district Court RESENTENCE HIM

TO THE ACCA 180 MO. arguing that his counsel abandoned him during the critical stages of the proceedings including the appeal on petition for Writ of Certiorari before this court. the district court denied an evidentiary hearing .

Mr. Eason had previously appealed his 180 month Armed Career Career Criminal sentence IMposed by the court after being re-sentenced from THAT of 46 months to that of 180 months based on the district court's use of the word "Promotion" of a chemical that "Could" had been used to manufacture, without a Nixis to define this interpretation as a "Serious Drug" under the ACCA.

Furthermore, the district court also used prior convictions under Tenn Code Ann. §39-17-433 statute that is vague and indivisible, and part of one continuance crime spree without an intervening arrest and consolidated for one sentence purpose based solely on the dates of each offense was committed prior to an arrest being made or conviction was entered as separate crimes.

The Tennessee Code Ann. §39-17-433 Eason argued is overly broad, over-inclusive, indivisible and carries a greater swath of punishment than the laws allow.

After being resentenced and filing his APPEAL..... the Sixth Circuit denied Eason's appeal in its entirety on September 17, 2020

"Continued"

The background of events

On January 6, 2017 a police officer initiated a traffic stop within the city of Memphis, Tennessee, because Eason was the alleged driver a firearm found inside the vehicle during a search was the result of Eason being convicted for constructive possession of a firearm by a convicted felon.

On July 27, 2017 a federal grand jury returned a one count indictment charging Eason with unlawful possession of a firearm in violation of 18 U.S.C. §922(g)(1). Mr. Eason pled guilty to the offense as charged.

The U.S. Probation had prepared a Presentence Report (PSR) in anticipation of sentencing. Both Eason and the United States Attorney had agreed that Eason's sentencing guideline range was that of 37-46 months imprisonment. However the PSR advised the court that Eason was to be deemed an Armed Career Criminal under 18 U.S.C. §924(e) subjecting Eason to a Mandatory Minimum of 180 months in prison. Here the PSR's sole rationale in finding Eason to be an armed career criminal was that Eason had been previously convicted in 2010 to five counts of a drug offense under Tenn. Code Ann. §39-17-433 relating to a "promotion" of of a chemical that "could" be used to make metamphetamaine. In the Tennessee overview of Eason's priors, Eason had plead guilty to Purchasing and ingredient that "could" had been used to "produce" methamphetamine. The PSR identified these offenses as a "Serious Drug" offense under the Armed Career Criminal Act (ACCA) enhancement provision triggering a mandatory minimum sentence of 15 years in prison.

Mr. Eason objected during sentencing that his convictions were

not a Serious Drug Offense as "promotion and could" did not fit the federal drug statute to qualify as a "Serious Drug". Under federal law a serious drug offense could only be counted if defined in relevant part as an offense under state or federal law that involved "manufacturing, distributing, or possessing such drug with intent to manufacture or distribute a controlled substance." In which the mere chemical that "could" be used or to promote a drug without more cannot be construed as a "Serious Drug" under 18 U.S.C §924(e)(2)(A)(ii) This is a line drawing inquiry in which both the district court and Court of Appeals for the Sixth Circuit overreached its own opinions to qualify and is now before this Honorable High Court to review, as the mandatory Minimum sentence imposed is unconstitutional and unlawful. Eason's Tennessee conviction's could only be construed as an Ingredient that "could" had been used.

Mr. Eason further argued during sentencing that his prior (5) convictions was part of one continuous crime spree without an intervening arrest and part of one sentencing purpose.

During Sentencing the district court agreed with Eason's arguments and overruled the government and sentenced Eason to 46 months in prison. The government then appealed Honorable Judge Shery H. Lipman's judgment to the Sixth Circuit Court of Appeals No. 18-5387. The case was then remanded back to the district court for resentencing, to have the court resentence Eason to the Mandatory Minimum of 15 years in prison. This petition for writ of certiorari now follows the final mandate entered on September 17, 2020 Appendix A.

REASONS FOR GRANTING THE PETITION

1. THE SIXTH CIRCUIT HOLDING THAT "PROMOTION" OF A SINGLE CHEMICAL THAT "COULD" HAD BEEN USED TO MANUFACTURE IS A "SERIOUS -DRUG" UNDER THE ACCA'S ARMED CAREER CRIMINAL ACT TITLE 18 USC § 924 (e)(2)(A)(ii) IS UNCONSTITUTIONAL REQUIRING REMAND.
 2. THE COURT OF APPEALS COURT UPHOLDING A SENTENCE ENHANCEMENT UNDER THE ARMED CAREER CRIMINAL ACT (ACCA) BY USE OF "DATES" OF OFFENSES DURING "ONE CONTINUOUS CRIME SPREE," PRIOR TO ARREST AND PART OF ONE SENTENCING VIOLATES THE DUE PROCESS CLAUSE UNDER THE UNITED STATES CONSTITUTION. REMAND IS REQUIRED.
 3. IF A STATE'S STATUE DRUG LAW IS VAGUE, OVERINCLUSIVE, OVERBROAD OR INDIVISIBLE UNDER STATE OF TENN. CODE ANN. §39-17-433 IS REMAND REQUIRED IF THE STATUE WAS USED TO ENHANCE A SENTENCE PURSUANT TO 18 USC §924(e) ACCA?
- (1) THE SIXTH CIRCUIT HOLDING THAT "PROMOTION" OF A SINGLE CHEMICAL THAT OTHERWISE "COULD" HAD BEEN USED TO MANUFACTURE IS A "SERIOUS DRUG" UNDER THE ACCA'S §924(e)(2)(A)(ii) IS UNCONSTITUTIONAL REQUIRING REMAND.

ON OR ABOUT JANUARY 7, 2010 MR. EASON HAD PLED GUILTY IN A STATE OF TENNESSEE [SHELBY COUNTY] COURT TO FIVE COUNTS RELATING TO THE POSSESSION OF A SINGLE CHEMICAL THAT "COULD" HAD BEEN USED TO "PROMOTE" MANUFACTURING OF METHAMPHETAMINE IN VIOLATION OF TENN. CODE ANN. §39-17-433. RENDERING A SENTENCE OF 8 YEARS DEPARTMENT OF CORRECTIONS.

EASON ARGUES THAT THE STATE CONVICTIONS UNDER FEDERAL LAW DON'T CONSTITUTE THAT OF A SERIOUS DRUG-OFFENSE TO TRIGGER A MANDATORY MINIMUM SENTENCE UNDER 18 USC §924(e)(2)(A)(ii) AS "PROMOTION" AND "COULD" IS VAGUE AND LACKS CLARITY TO QUALIFY. SEE; LIPORATA V. UNITED STATES, 471 US. 419, 427(1985); SMITH V. ROBBINSON, 120 S. ct. 746 (2016); UNITED STATES V. CADIFF, 344 U.S. 174, 73 S. ct. 119, 97 LED 200 (1952).

CONGRESS DEFINES A SERIOUS DRUG AS; STATE OR FEDERAL LAW, THAT INVOLVES THE MANUFACTURING, DISTRIBUTING OR POSSESSION WITH THE INTENT TO MANUFACTURE, DISTRIBUTE A CONTROLLED SUBSTANCE. TO QUALIFY UNDER AN ENHANCEMENT UNDER 18 USC §924(e)(2)(A)(ii). IN REVIEWING EASON'S STATE CONVICTIONS THE RECORD IS CLEAR THAT HE DID NOT HAVE ANY DRUGS OR ANY OTHER CHEMICALS OTHER THAN A SINGLE INGREDIANT THAT "COULD HAD BEEN USED TO PROMOTE" A PLAUSABLE OUTCOME OF THE MANUFACTURING PROCESS. THIS WITHOUT MORE TO COMPLETE A PRODUCT THAT IS OTHERWISE WRITTEN IN THE FEDERAL DRUG LAW §924(e)(2)(A)(ii) CAN NOT BE MISPLACED BY A COURT TO QUALIFY AS A "SERIOUS DRUG."

THE UNITED STATES DISTRICT COURT CORRECTLY HELD DURING SENTENCING [BEFORE THE GOVERNMENTS APPEAL] THAT "PROMOTION AND COULD" INTERPRETATION OF AN INGREDIANT ALONE COULD NOT QUALIFY EASON AS A ARMED CAREER CRIMINAL AND IMPOSED A SENTENCE OF 46 MONTHS IN PRISON FOLLOWING THE U.S.S.G RANGE. LADNER V. UNITED STATES, 358 US 169, 178 (1958); BEGAY V. UNITED STATES, 553 U.S. 137 (2008); MOSKEL V. UNITED STATES, 498 U.S. 103 (1990)

THE GOVERNMENT ARGUED AGAINST THE DISTRICT COURTS OWN INTERPRETATION OF THE "SERIOUS DRUG" APELLING TO THE SIXTH CIRCUIT COURT OF APPEALS EVENTHOUGH THE DISTRICT COURT CORRECTLY HELD

THAT A "SINGLE" CHEMICAL WITHOUT MORE FELL OUTSIDE THE AMBIT OF THE ACCA'S "SERIOUS DRUG" UNDER FEDERAL LAW AND FURTHER DID NOT RELATE CLOSE ENOUGH OR EVEN CONNECTED CLOSELY ENOUGH TO THAT OF MANUFACTURE OR DISTRIBUTION AS DEFINED UNDER 18 USC §924(e)(2)(A)(ii). [SIXTH CIR. APP. NO 18-538].

THE SIXTH CIRCUIT COURT OF APPEALS WRONGLY REMANDED EASON'S SENTENCE OF 46 MONTHS IN PRISONMENT TO HAVE THE DISTRICT COURT IMPOSE A SENTENCE OF 180 MONTHS IN PRISON. AS ITS OPINION FELL OUTSIDE CONGRESS'S INTENT OF THE FEDERAL STATUE. BY HOLDING A SINGLE CHEMICAL COULD CATEGORICALLY QUALIFYING AS A "SERIOUS DRUG" OFFENSE. UNITED STATES V. EASON, 919 F.3d 385, 389-92 WL 1306235 (6th CIR. 2019)/ERNST V. UNITED STATES 293 F. SUPP 3D 1242,1250 (D. OR 2017)

MR. EASON ASSERTS THAT THE SIXTH CIRCUIT'S INTERPRETATION OF THE "SERIOUS DRUG" UNDER FEDERAL LAW IS MISPLACED AND FURTHER CLEAR ERROR AND ENFORCING A SENTENCE UNDER THE ACCA'S MANDATORY MINIMUM OF 180 MONTHS IN PRISON IS A COMPLETE MISCARRIAGE OF JUSTICE THAT ONLY THIS HIGH COURT CAN CORRECT. LIPORATA V. UNITED STATES, 471 U.S. 419, 427 (1985); SMITH V. ROBBINSON, 120 S.CT 746 (2016); UNITED STATE V. CADIFF, 344 U.S. 174 S.CT U.S. 97 LED 200 (1952). REMAND FOR RESENTENCING IS REQUIRED.

2. THE COURT OF APPEALS UPHOLDING A SENTENCE ENHANCEMENT UNDER THE ARMED CAREER CRIMINAL ACT (ACCA) BY THE USE OF THE "DATES" THE OFFENSES WAS COMMITTED DURING THE COURSE OF "ONE CONTINUOUS CRIME SPREE AND PRIOR TO AN ARREST AND ONE SENTENCING PURPOSE" VIOLATED THE DUE-PROCESS CLAUSE PROTECTED BY THE UNITED STATES CONSTITUTION FIFTH AMENDMENT. REMAND IS REQUIRED.

FACTUAL BACKGROUND.

ON OCTOBER 8, 2008. MR. EASON BEGAN ONE CONTINUOUS CRIME SPREE OF A CONTINUED ACT AND PART OF ONE COMMON SCHEME AND PURPOSE OR MODUS OPRENDI IN VIOLATION OF THE STATE OF TENNESSEE DRUG LAW TENN. CODE ANN. §39-17-433. FOR HAVING A SUBSTANCE CHEMICAL THAT "COULD OF HAD BEEN USED FOR THE PROMOTION" TO MANUFACTURE METHAMPHETAMINE.

MR. EASON AS PART OF THE FOREMENTIONED MODUS-APPRENDI CONTINUED HIS CRIME SPREE UNTIL APRIL 3, 2009 WITHOUT AN INTERVIENING ARREST BEING MADE UNTIL JULY 9, 2009.

AFTER ARREST ON JULY 9, 2009 MR. EASON AGREED TO ENTER HIS PLEA OF GUILTY TO THE FIVE COUNTS FILED IN SHELBY COUNTY, TENNESSEE CIRCUIT COURTS RELATING TO HIS ONE CONTINUOUS CRIME SPREE AS PART OF ONE CONSOLIDATED SENTENCE ON JANUARY 7, 2010 FOR POSSESSING A SINGLE CHEMICAL THAT "COULD HAD BEEN USED AS A PROMOTION" TO MANUFACTURE METHAMPHETAMINE. TENN. CODE ANN §39-17-433. EASON WAS SENTENCED TO 8 YEARS DEPARTMENT OF CORRECTION.

MR. EASON ARGUES THAT EVEN THOUGH THEIR WAS "DATES" SEPARATING THE CRIME SPREE, HIS OFFENSE WAS PART OF THE SAME CONTINUOUS MODIS APRENDI WITHOUT AN INTERVIENING ARREST BEING MADE UNTIL JULY 9, 2009.

BECAUSE THE MODIS APRENDI CONTINUED WITHOUT INTERVEING ARREST AND PART OF THE SAME SENTENCE ON ONE DAY THE "DATES" IDENTIFIED IN THE COURSE OF COMMITTING THE CRIMES CANNOT BE SEPARATED BY THE GOVERNMENT TO COUNT AS 5 SEPARATE CONVICTIONS TO TRIGGER A MANDATORY MINIMUM SENTENCE UNDER THE ARMED CAREER CRIMINAL ACT (ACCA). SEE UNITED STATES V. NICHOLS, 979 F.2d 402 413-14 (6TH CIR. 1992); 511 U.S. 738, 128 LED 2d 745, 114 S.ct. 1921 (1994).

MR. EASON ARGUES THAT HIS PRIOR FIVE COUNT CONVICTIONS IN THE STATE OF TENNESSEE SHELBY COUNTY COURTS IMPOSED ONE THE SAME DAY [JANUARY 7, 2010] CAN ONLY BE COUNTED AS DIFFERENT CONVICTIONS IF HIS OFFENSE WAS SEPARATED BY AN INTERVENING ARREST i.e. ARRESTED FOR THE FIRST OFFENSE PRIOR TO COMMITTING THE SECOND OFFENSE. OTHERWISE, PRIOR SENTENCES ARE CONSIDERED RELATED IF THEY RESULTED FROM OFFENSES THAT HAD OCCURRED ON THE SAME OCCASION. PART OF A SINGLE COMMON SCHEME OR PLAN WITHOUT INTERVENING ARREST AND HAD BEEN CONSOLIDATED FOR ONE SENTENCING PURPOSE.

THE CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT HERE HAD OVERREACHED A "GRIEVOUS AMBIGUITY" BY HOLDING ITS OPINION BY THE USE OF "DATES" TO SEPARATE THE OFFENSES THAT ARE OTHERWISE PART OF ONE CONTINUOUS CRIME SPREE WITHOUT INTERVENING ARREST AND PART OF ONE CONSOLIDATED SENTENCING PURPOSE OVERREACHED AND MISLEADING AS WELL AS UNCONSTITUTIONALLY INTERPRETED OF CONGRESS INTENT. HAD WRITTEN IN USSG §4B1.4(b)(3)(B) SUPP APPX C's AMENDMENT (2008). SEE MUSCERELLO V. UNITED STATES. 524 U.S. 125 138-39 118 S.ct. 1911. 141 LED 2d 111 (1998). BECAUSE OF THE WRONG APPLICATION AND WHAT THE SEPARATED OFFENSES WAS INTENDED. REMAND IS REQUIRED.

3. IF A STATE'S STATUE DRUG LAW IS VAGUE, OVERINCLUSIVE. OVERBROAD OR INDIVISIBLE UNDER TENN. CODE ANN. §39-17-433 IS REMAND REQUIRED IF SUCH STATUE WAS USED TO ENHANCE A SENTENCE UNCONSTITUTIONALLY PURSUANT TO 18 USC §924(e)(ACCA)? THE UNITED STATES SUPREME COURT HAD MADE IT CLEAR IN ITS OPINION OF UNITED STATES GOVERNMENT USE OF A STATE'S INDIVISIBLE STATUES EMPHASIZING THAT A STATE STATUE LIKE TENN. CODE ANN. §39-17-433 CANNOT BE USED TO ENHANCE A SENTENCE UNDER THE ARMED CAREER

CRIMINAL ACT TITLE 18 USC §924(e) IF THE STATUES ELEMENTS OF AN OFFENSE OVERREACHES WHAT THE LAW ALLOWS TO PUNISH. SEE MATHIS V. UNITED STATES. 136 S.ct. 2243(2016).

MR. EASON CONTINUOUS TO ARGUE THAT HE IS NOT AN ARMED CAREER CRIMINAL AND THE ORIGINAL SENTENCE OF 46 MONTHS WAS CORRECTLY IMPOSED BY THE DISTRICT COURT. AFTER THE COURT RULED AFTER USING THE CATERGORICAL APPROACH THAT..."EASON'S PRIOR TENNESSEE CONVICTIONS WAS BASED ON A MERE PURCHASE OF AN INGREDIANT THAT [COULD] HAD BEEN USED TO [PROMOTE] METHAMPHETAMINE AND FELL BELOW WHAT CONGRESS INTENDED THE ACCA'S MANDATORY MINIMUM MEANING OF A SERIOUS DRUG OFFENSE QUOTING TAYLOR V. UNITED STATES, 495 U.S. 575 (1990); UNITED STATES V. BASS, 404 U.S. 336, 348 (1971); UNITED STATES V. CARDIFF, 344 U.S. 174 73 S.ct. 119 97 LED 200 (1952).

TENN. CODE ANN. §39-17-433(a)(1) READS;

(a) IT IS AN OFFENSE FOR A PERSON TO PROMOTE METHAMPHETAMINE MANUFACTURE. A PERSON PROMOTES MANUFACTURE WHO;

(1) SELLS, PURCHASES, ACQUIRES OR DELIVERS ANY CHEMICAL, DRUG, INGREDIANT OR APPARATUS THAT CAN BE USED TO PRODUCE METHAMPHETAMINE, KNOWING THAT IT WILL BE USED TO PRODUCE METHAMPHETAMINE OR WITH RECKLESS DISREGARD OF ITS INTENDED USE.

THE ANALYSIS OF MR. EASON'S STATE CONVICTIONS UNDER TENN. CODE ANN. §39-17-433(a)(1) CONFIRMS THAT HIS COULD HAVE BEEN COMMITTED BY MEANS RATHER THAT ELEMENTS BECAUSE THE STATUE IS INDIVISIBLE, OVERINCLUSIVE, OVERLYBROAD AND PUNISHES MORE THAN THE LAW ALLOWS. AS THE STATUE GOES BEYOND MORE THAN A SINGLE ELEMENT TO COMMIT THE OFFENSE SEE ERNST V. UNITED STATES, 293 F. SUPP. 3d 1242, 1250. (D. OR 2017); QUOTING MATHIS V. UNITED STATES, 136 S.ct. 2243 (2016). WHEREFORE REMAND IS REOUIRED, AS THE ACCA'S SENTENCE UNDER THE MANDATORY MINIMUM IS UNCONSTITUTIONALLY IMPOSED.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

x Charles Eason

Date: x NOVEMBER 30th 2020